

Story about the 2nd Aristolochic Acid Case in Belgium

- Why are Chinese herbs often blamed?

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Aristolochic acid (AA) has been widely known because of aristolochic acid nephropathy (AAN). AAN is a rapidly progressive interstitial nephritis leading to end-stage renal disease and urothelial malignancy, which was originally reported in Belgium in a group of patients who had ingested slimming pills containing Chinese herbs¹. But most people may not know a recent secondary AA lawsuit in Belgium.

Briefly, an insomnia patient in Belgium took a Chinese herbal formula in 2010 that prescribed by a practitioner of Chinese medicine who graduated from a famous university of traditional Chinese medicine (TCM) in China. The formula contains thirteen commonly used Chinese herbs, but none of the herbs contains AA according to literatures.

Unfortunately, the patient soon noticed weight loss and symptoms such as hair loss, loss of appetite and bloating. Later she was first diagnosed with acute renal failure, then further diagnosed as irreversible kidney disease caused by AA based on kidney biopsy. The necrotic kidney was replaced by transplant in 2013. The misfortunes continued, her another kidney was diagnosed kidney cancer. The patient sued the Chinese practitioner to the court in Brussels.

In the first trial in early 2015, the court released a testing report prepared by a toxicologist, in which, AA was detected in the above-mentioned herbal formula. The court sentenced the Chinese practitioner 12 months in jail with a three-year delay and a fine of 156 euros. The incidence was reported by HLN.²⁻⁵

Professor Pei-lin Sun, the vice president and secretary general of the Belgium Federation of Traditional Chinese Medicine, contacted the defendant practitioner on behalf of the organization. Meanwhile, he summoned nearly 20 TCM experts over the world for help, most of them were from the U.S.

Chinese herbal medicine (CHM) has helped countless Americans relieved suffering from sickness and saved many American's lives since it came to the U.S. in the 1800's⁶. However, it has been mostly negatively reported by the medias. To protect the reputation of CHM and also for innocence of the practitioner, these TCM experts were willing to help the defendant practitioner for free.

AA containing herbs had been banned in Europe before 2010. Based on the ingredients in the formula, these experts agreed that AA was not supposed to be detected in this formula. Dr. Willow Liu, the president of American Association of Chinese Herbs, pointed out that the AA testing report is the key evidence in this case. She said that AA was mostly analyzed by HPLC method. If the analytical conditions were not properly designed, the AA residual from the standard sample might contaminate the following herbal sample, giving a false positive result. The team also questioned the report of kidney biopsy and the patient's health condition before seeing the defendant practitioner. Thus, a letter with suggestions of requiring the patient's medical record, the pictures of kidney biopsy and the record of AA analysis was drafted by the team and sent to the defense lawyer.

The Court of Brussels investigated all aspects of the testimony and made a final trial on November 27, 2017 on the basis of nearly two years of evidence collection. The Chinese practitioner won the case with "no criminal motive". Neither the record of the patient's medical history nor the record of AA analysis was presented in the court.

The patient refused to accept such judgment result. So she appealed to the Supreme Court of Belgium. In December 2018, the Supreme Court dismissed the appeal and maintained the final judgment of the Brussels Court. The second so-called "Belgian herbal nephropathy event" in Belgium, which lasted nearly 8 years, finally ended. Unfortunately, no any media reported the final result. Prof. Sun contacted Nieuwsblad (Newspaper) and requested for updating the report after the court of appeal in 2017⁷. Strangely, on December 5, 2017, the website of Nieuwsblad posted a news titled with "Chinese acquitted for herbal mixture that made the patient dead sick" but with a date of January 1, 2015. Prof. Sun requested to change the report date several times, but it has not been changed.

CHM is often blamed if the patients have any uncomfortable or health problem during or after taking CHM. This story is just an example. In fact, many patients come for CHM after Western medicines fail to work on them. The symptoms occur during the herbal administration may be due to their declined health condition, or accumulated side effect of Western medicine.

Unfortunately, the Western medias are only interested in reporting very occasional news of toxicity or death caused by Chinese herbs such as the AA containing slimming pills¹ and ephedra extract⁸, rather than so many effective treatments. They did not know that such toxicity or death was in fact caused by misuse of CHM. Due to such negative reports and lack of basic knowledge about CHM, many physicians tell their patients "Don't take Chinese herbs" even when the Western medicine failed to help them. Safety may be the main concern to them, but not the only reason. Some physicians said that CHM has "No scientific support" or "That was just psychological effect" to their patients. Therefore, even though the CHM had successfully relieved the patients from sufferings, most of them decided not to tell their physicians that they took CHM. Sadly, the patients reported to their physicians only when they feel uncomfortable after taking the herbs.

In fact, most of the research results performed by scientists over the world using modern chemical, biological and pharmacological methods in the past decades have supported the efficacies of CHM. Our inability to well explain the mechanism of CHM is not because CHM is too old. It is because our knowledge about human body and diseases as well as chemicals in CHM is still limited so far.

It should be addressed that CHM is not unconditional safe. CHM should be applied on the basis of TCM theories and correct TCM diagnosis and differentiation. Factors such as period and dosage of administration and proper formulation all contribute the safety and efficacy of CHM.

References:

1. Debelle FD, Vanherweghem JL, Nortier JL. Aristolochic acid nephropathy: a worldwide problem. *Kidney Int.* 74 (2): 158-69, 2008
2. Koen Cypers. Acupuncturist is at risk of imprisonment after poisonous herbal mixture. *HLN.* November 29, 2014.
<https://www.hln.be/regio/tremelo/acupuncturiste-riskeert-celstraf-na-giftig-kruidenmengsel~ab13f32a/>
3. Koen Cypers. Poison mix risks imprisonment -patient lost two kidneys by herbal drink. *HLN.* November 29, 2014.
<https://www.hln.be/regio/tervuren/gifmengster-riskeert-celstraf~a811102c/>
4. Belga News Agency. Imprisonment for a physician who made the patient sick with a herbal mix. *HLN.* January 23, 2015
<https://www.hln.be/nieuws/binnenland/celstraf-met-uitstel-voor-geneesvrouw-die-patiente-ziek-maakte-met-kruidenmix~aa900c91/>
5. Bart Mertens. Herbal mixer escapes from the cell - Mixture with toxic substance cost victim two kidneys. *HLN.* January 24, 2015
<https://www.hln.be/regio/leuven/kruidenmengster-ontsnapt-aan-cel~aaa80de5/>
6. Finn John. "Doc" Hay, Oregon's pioneer Chinese herbalist. *Offbeat Oregon history.* February 5, 2009 http://www.offbeatoregon.com/H005_DocHay.html
7. Belga News Agency. Chinese acquitted for herbal mixture that made the patient dead sick. *Newspaper.* January 23, 2015
http://www.nieuwsblad.be/cnt/dmf20150123_01489902
8. Jarrett Murphy. Ephedra tied to Pitcher's death. *CBS.* February 17, 2003
<https://www.cbsnews.com/news/ephedra-tied-to-pitchers-death/>